

LENIHAN, IVERS, JENSEN & MCATEER

ATTORNEYS AT LAW

1114 NORTON BUILDING

SEATTLE 98104

624-4212

EMMETT G. LENIHAN  
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JAMES C. HANKEN

September 28, 1970

Pioneer Title Insurance Company  
719 Second Avenue  
Seattle, Washington 98104

Attention: Mr. Tom Klock

Re: J. H. Baxter - Reilly Tar & Chemical Plant Site Transaction

Dear Mr. Klock:

I referred to you for closing the aforementioned transaction. Mr. Don Norman, representing J. H. Baxter & Co. made contact with you concerning a need to establish a legal description for that transaction. At that time he provided you with a list of easements and leases that he knew to be in effect relative to that property. He requested that the existing encumbrances be itemized and that a sketch to advise the parties involved be attached. He further requested your immediate attention so that he might have this by Friday evening or Monday morning at the latest.

I have been advised, and much to my personal chagrin, that as to each of these elements, your service has been most unsatisfactory. The report prepared was not available until Monday afternoon when time is extremely vital to our transaction. I am further advised that the information provided to you concerning existing easements and leases was not taken into account. Additionally, I am advised that exceptions have been made or noted relative to long since expired leases which no longer constitute any encumbrance. Additionally, the sketch attached fails to take into account that real property held on the other side of the roadway, and uses meander lines of the original United States survey which is very misleading in light of the harbor area lease.

R 200215

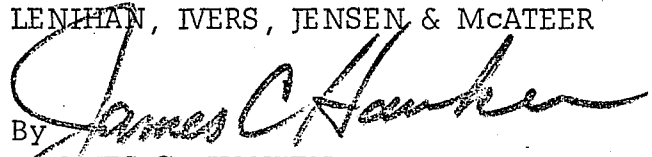
Pioneer National Title Insurance Co.  
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Page Two

For the foregoing reasons and the very obvious dissatisfaction of my client, I am advising you that we intend to transfer this account elsewhere, where, hopefully, the service will be more satisfactory to everyone concerned.

This is at my personal disappointment in that I had specifically recommended your firm and your name for this matter.

Sincerely yours,

LENIHAN, IVERS, JENSEN & MCATEER

By   
JAMES C. HANKEN

JCH/nb

cc: Mr. Don Norman  
Mr. Gene Brandzel  
Mr. Robert Mossman  
Mr. Alex Cugini

R 200216



# Pioneer National Title Insurance Company

WASHINGTON STATE DIVISION  
KING COUNTY OFFICE

719 SECOND AVENUE • SEATTLE, WASHINGTON 98104 • TELEPHONE 682-6600

WASHINGTON LAND TITLE ASSOCIATION  
PRELIMINARY COMMITMENT FOR  
TITLE INSURANCE

NUMBER: B-917350  
UNIT : 9

TO: TOM KLOCK  
PNTI ESCROW DEPT.

RE: REILLY TAR & CHEMICAL CO./BAXTER

DATE: SEPTEMBER 24, 1970 AT 7:30 A.M.

COVERAGE	AMOUNT	PREMIUM	TAX
PURCHASER'S STANDARD	\$500,000.00	\$1,184.00	\$59.20

PIONEER NATIONAL TITLE INSURANCE COMPANY AGREES TO ISSUE ON REQUEST AND ON RECORDING OF ANY APPROPRIATE DOCUMENTS, ITS POLICY OR POLICIES AS APPLIED FOR, WITH COVERAGE AS INDICATED, BASED ON THIS PRELIMINARY COMMITMENT THAT TITLE TO THE PROPERTY DESCRIBED HEREIN IS VESTED ON THE DATE SHOWN ABOVE IN

REILLY TAR AND CHEMICAL CORPORATION, AN INDIANA CORPORATION,  
FORMERLY REPUBLIC CREOSOTING COMPANY.

SUBJECT ONLY TO THE EXCEPTIONS SHOWN HEREIN AND TO THE TERMS, CONDITIONS AND EXCEPTIONS CONTAINED IN THE POLICY FORM.  
THIS REPORT AND COMMITMENT SHALL HAVE NO FORCE OR EFFECT EXCEPT AS A BASIS FOR THE COVERAGE SPECIFIED HEREIN.

BY Robert J. Anderson  
AUTHORIZED SIGNATORY

## DESCRIPTION:

THAT PORTION OF GOVERNMENT LOT 5, SECTION 29, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF THE NORTHERN PACIFIC RAILWAY RIGHT-OF-WAY

TOGETHER WITH SECOND CLASS SHORELANDS LYING IN FRONT THEREOF AND BETWEEN THE NORTH AND SOUTH LINES OF SAID GOVERNMENT LOT 5 PRODUCED WESTERLY, EXCEPT THAT PORTION THEREOF LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION 29; THENCE NORTH 89°58'36" WEST ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 5, A DISTANCE OF 1113.01 FEET TO THE WESTERLY LINE OF SAID NORTHERN PACIFIC RAILWAY RIGHT-OF-WAY; THENCE NORTH 29°44'54" EAST ALONG SAID RIGHT-OF-WAY LINE 949.63 FEET TO AN IRON PIPE AND THE TRUE POINT OF BEGINNING OF THE LINE HEREIN DESCRIBED; THENCE NORTH 59°24'36" WEST 50 FEET; THENCE

SOUTH 56°28'50" WEST 111.16 FEET; THENCE NORTH 59°24'36" WEST 1039.16 FEET MORE OR LESS, TO THE INNER HARBOR LINE AND THE TERMINUS OF THE LINE HEREIN DESCRIBED.

EXCEPTIONS:

1. LAST HALF OF GENERAL TAXES

FOR YEAR: 1970

AMOUNT : \$5,567.01 WHICH APPEARS ON THE TAX ROLLS AS ACCOUNT

292405-9002-03

SAID TAXES AFFECT SAID PREMISES AND OTHER LANDS.

2. LIEN OF REAL ESTATE EXCISE SALES TAX UPON ANY SALE OF SAID PREMISES, IF UNPAID.

3. INFORMATION CONCERNING COUNTY AND/OR CITY ASSESSMENTS WILL BE FURNISHED BY A SUPPLEMENTAL REPORT TO FOLLOW.

4. SAID LAND OR A PORTION THEREOF MAY LIE BENEATH NAVIGABLE WATERS. ANY PORTION OF SAID LAND WHICH LIES OR WHICH MAY IN THE FUTURE LIE BENEATH NAVIGABLE WATERS IS SUBJECT TO RIGHTS OF NAVIGATION, TOGETHER WITH INCIDENTAL RIGHTS OF FISHING, BOATING, SWIMMING, WATER-SKIING, AND OTHER RELATED RECREATIONAL PURPOSES GENERALLY REGARDED AS COROLLARY TO THE RIGHT OF NAVIGATION AND THE USE OF PUBLIC WATERS. SEE WILBOUR VS. GALLAGHER, 77 WASHINGTON DECISION 2ND, PAGE 307.

5. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

FOR : POWER LINE

IN FAVOR OF : PUGET SOUND POWER AND LIGHT COMPANY, A CORPORATION

RECORDED : MARCH 29, 1963

AUDITOR'S NO. : 5562896

AFFECTS : NORTHEASTERLY PORTION OF SAID PREMISES.

6. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

FOR : SEWER LINE WITH ALL CONNECTIONS, MANHOLES AND APPURTENANCES THERETO

IN FAVOR OF : MUNICIPALITY OF METROPOLITAN SEATTLE

RECORDED : NOVEMBER 29, 1964

AUDITOR'S NO. : 5814320

AFFECTS : STRIP 5 FEET IN WIDTH ON EACH SIDE OF A CENTERLINE BEGINNING ON THE SOUTHEASTERLY LINE OF SAID PREMISES AT A POINT SOUTH 29°44'54" WEST 95.01 FEET FROM THE MOST EASTERLY CORNER OF SAID PREMISES; THENCE NORTH 59°24'36" WEST TO POINT OF TERMINUS ON A LINE WHICH BEARS SOUTH 56°28'50" WEST FROM

A POINT NORTH 29°44'54" EAST 100 FEET FROM SAID  
MOST EASTERLY CORNER.

7. A LEASE AFFECTING THE PREMISES HEREIN STATED, EXECUTED BY AND  
BETWEEN THE PARTIES HEREIN NAMED FOR THE TERM AND UPON THE TERMS,  
COVENANTS AND CONDITIONS THEREIN PROVIDED.

DATED : NOVEMBER 17, 1947  
LESSOR : REPUBLIC CREOSOTING COMPANY, AN INDIANA CORPORATION  
LESSEE : KENNYDALE SHIPYARDS COMPANY, A WASHINGTON CORPORATION  
RECORDED : DECEMBER 2, 1947  
AUDITOR'S NO. : 3750407  
TERMS : UNDISCLOSED  
AFFECTS : PORTION OF SAID PREMISES.

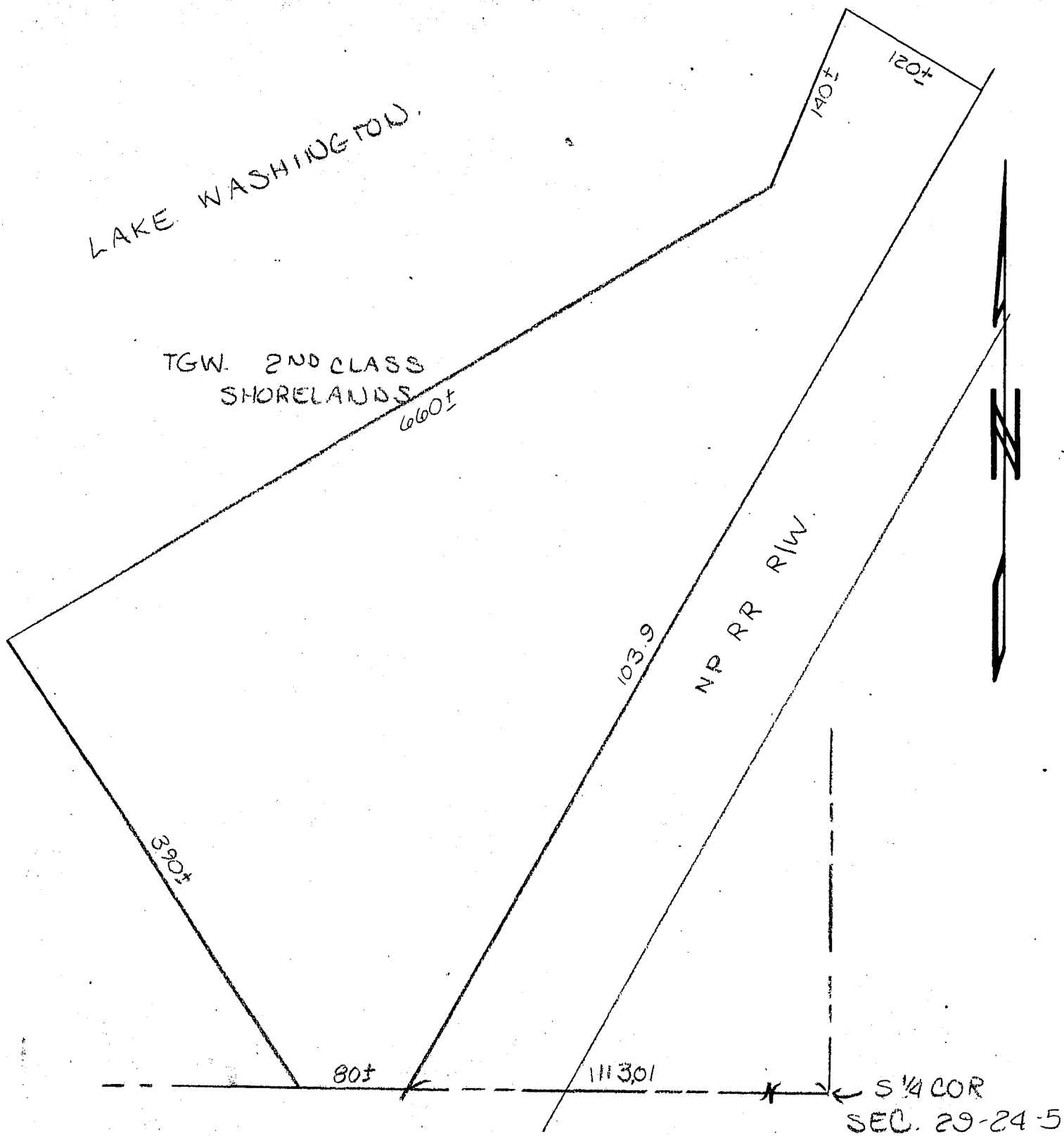
NOTE:  
THE PROPOSED DEED MUST BE AUTHORIZED BY RESOLUTION  
OF THE DIRECTORS OF THE HEREIN NAMED CORPORATION AND A  
CERTIFIED COPY SUBMITTED.  
CORPORATION: REILLY TAR AND CHEMICAL CORPORATION, AN INDIANA  
CORPORATION

NOTE: INVESTIGATION SHOULD BE MADE TO DETERMINE IF THERE ARE ANY  
SERVICE, INSTALLATION, MAINTENANCE OR CONSTRUCTION CHARGES FOR SEWER,  
WATER, GARBAGE OR ELECTRICITY.

RC/NP

The Company has not surveyed the premises described in B 917350

The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability for inaccuracies therein. It does not purport to show ALL highways, roads and easements adjoining or affecting said premises.





# Pioneer National Title Insurance Company

WASHINGTON STATE DIVISION

719 SECOND AVENUE, • SEATTLE, WASHINGTON 98104 • TELEPHONE (206) 682-6600

## SUPPLEMENTAL TITLE REPORT

To: TOM KLOCK  
ESCROW DEPARTMENT

Your Loan No. \_\_\_\_\_

Our Order No. B-917350

(Mortgagor)

(Purchaser) J. H. Baxter & Co.

~~There has been no change in the title to the property covered by our preliminary report since~~

~~\_\_\_\_\_ 19\_\_ at 8 A.M.~~

~~Except as set forth below:-~~

Assessments are clear.

Dated as of the 28th day of September, 19 70, 8 A.M.

Pioneer National Title Insurance Company  
WASHINGTON STATE DIVISION

By Robert J. Anderson

R 200221